

In the Matter of )  
 )  
Amendment of Parts 0 and 68 of the )  
Commission's Rules To Reflect the Commission's )  
Recent Reorganization )

## ORDER

**Adopted: March 28, 2002**

**Released: April 10, 2002**

By the Commission:

1. By this Order, the Federal Communications Commission amends Parts 0 and 68 of its rules. Specifically, we eliminate section 0.303 to reflect the transfer of authority for Part 68 terminal equipment certification to private industry.<sup>1</sup> In addition, we amend section 0.91 to acknowledge the changed role of the Commission in the equipment certification process. Finally, we amend certain additional rules to reflect the Commission's recent transfer of responsibility for enforcement regarding terminal equipment to the Enforcement Bureau.<sup>2</sup>

2. In the *Part 68 Report and Order*, the Commission eliminated significant portions of the rules governing the connection of customer premises equipment (or terminal equipment) to the public switched telephone network (PSTN). The *Part 68 Report and Order* privatized the certification of terminal equipment and the development of technical criteria with which terminal equipment must comply to be connected with the PSTN. By these actions, the Commission minimized or eliminated the role of the federal government in these processes. Therefore, it is no longer necessary to delegate authority to the Wireline Competition Bureau to act upon applications for certification of terminal equipment, and we eliminate section 0.303 accordingly. We modify section 0.91, however, to reflect that the Wireline Competition Bureau retains authority to consider appeals resulting from any failure of private industry to resolve issues pertaining to technical criteria for Part 68 terminal equipment.

3. In light of recent transfer of Part 68 enforcement responsibility to the Enforcement Bureau, we also eliminate the specific Part 68 complaint rules. Formal complaints against carriers for violations of Part 68 will now be handled pursuant to the general rules regarding formal complaints against common

<sup>1</sup> In the Matter of 2000 Biennial Regulatory Review of Part 68 of the Commission's Rules and Regulations, CC Docket No. 99-216, *Report and Order*, 15 FCC Rcd 24944 (2000)(*Part 68 Report and Order*).

<sup>2</sup> See In the Matter of Establishment of the Media Bureau, the Wireline Competition Bureau, and the Consumer and Governmental Affairs Bureau; Reorganization of the International Bureau and Other Organizational Changes, FCC 02-10, *Order*, released March 14, 2002.

carriers.<sup>3</sup> This action will bring adjudication of such complaints into conformity with our other rules regarding complaints against common carriers. These rules will also apply to formal complaints against common carriers regarding hearing aid compatibility and volume control requirements.<sup>4</sup> We also amend section 68.211 of the rules to reflect that revocation of Part 68 certification will now be handled by the Enforcement Bureau.

4. The modifications to Parts 0 and 68 undertaken by this Order are rules that pertain to agency organization, procedure and practice. Consequently, the notice and comment provisions of the Administrative Procedure Act are inapplicable.<sup>5</sup> The rule modifications will be effective upon publication in the Federal Register.<sup>6</sup>

5. Accordingly, IT IS ORDERED that, pursuant to Section 5 of the Communications Act of 1934, as amended, 47 U.S.C. § 155, Parts 0 and 68 of the Commission's rules ARE AMENDED as set forth in the attached Appendix, effective upon publication in the Federal Register.

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton  
Acting Secretary

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<sup>3</sup> 47 C.F.R. §§ 1.720-1.736. The Consumer and Governmental Affairs Bureau retains authority to consider informal consumer complaints regarding Part 68 terminal equipment, as well as informal consumer complaints regarding hearing aid compatibility and volume control rules in Part 68. *See* 47 C.F.R. § 0.111 Note to Paragraph (a)(1).

<sup>4</sup> *See* 47 C.F.R. § 68.414.

<sup>5</sup> 5 U.S.C. § 553(b)(3)(A).

<sup>6</sup> *See* 5 U.S.C. § 553(d).

## APPENDIX

**Part 0 of Title 47 of the Code of Federal Regulations is amended as follows:**

- 1) The authority citation for Part 0 continues to read as follows:

AUTHORITY: Secs. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.

- 2) New section 0.91(j) is added, and existing sections 0.91(j)-(l) are renumbered to 0.91(k)-(m), to read as follows:

## WIRELINE COMPETITION BUREAU

**§ 0.91**

\* \* \* \* \*

(j) Act on petitions for *de novo* review of decisions of the Administrative Council for Terminal Attachments regarding technical criteria pursuant to § 68.614.

(k) \* \* \*

(l) \* \* \*

(m) \* \* \*

- 3) Section 0.303 is deleted.

**Part 68 of Title 47 of the Code of Federal Regulations is amended as follows:**

- 4) The authority citation for Part 68 continues to read as follows:

AUTHORITY: 47 U.S.C. 154, 155 and 303.

- 5) Section 68.211(b) is amended to read as follows:

**§68.211 Terminal equipment approval revocation procedures.**

(a) \* \* \*

(b) *Notice of Intent to Revoke Interconnection Authority.* Before revoking interconnection authority under the provisions of this section, the Commission, or the Enforcement Bureau under delegated authority, will issue a written Notice of Intent to Revoke Part 68 Interconnection Authority, or a Joint Notice of Apparent Liability for Forfeiture and Notice of Intent to Revoke Part 68 Interconnection Authority pursuant to §§1.80 and 1.89 of this chapter.

\* \* \* \* \*

- 6) Sections 68.400 through 68.412 are deleted.